

No. 22-10829-F

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

UNITED STATES OF AMERICA,
Appellee,

v.

ANDRE MICHAEL DUBOIS,
Appellant.

On appeal from the United States District Court
for the Northern District of Georgia

UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR REHEARING EN BANC BY
APPELLANT ANDRE MICHAEL DUBOIS

NICOLE M. KAPLAN
Federal Defender Program, Inc.
101 Marietta Street, NW, Suite 1500
Atlanta, GA 30303
(404) 688-7530
Nicole_Kaplan@FD.org

Counsel for Andre Michael Dubois

No. 22-10829-F
United States v. Andre Michael Dubois

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

Pursuant to 11th Cir. R. 26.1-2(a), counsel certifies that the following have an interest in the outcome of this appeal:

Buchanan, Ryan K., United States Attorney

Cooper, Natasha S., Assistant United States Attorney

Dubois, Andre Michael, Appellant

Dunn, Mildred Geckler, Interim Executive Director, Federal Defender
Program

Erskine, Kurt R., Former United States Attorney

Kaplan, Nicole, Attorney for Appellant

Larkins, Hon. John K., United States Magistrate Judge

Kearns, Stephanie A., Former Executive Director, Federal Defender
Program

Pak, Byung J., Former United States Attorney

Ray, II, Hon. William M., United States District Judge

Sommerfeld, Lawrence R., Assistant United States Attorney

United States of America, Appellee

No publicly-traded company or corporation has an interest in the outcome of this case or of this appeal.

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ANDRE MICHAEL DUBOIS,
Appellant.

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR REHEARING EN BANC BY APPELLANT
ANDRE MICHAEL DUBOIS**

Appellant, Andre Michael Dubois, asks the Court to extend the deadline by which he must file his petition for rehearing en banc pursuant to Fed. R. App. P. 35 and 11th Cir. R. 35-2. The deadline, as it now stands, is March 26, 2024. We ask for an extension of 30 days, which will produce a new deadline of April 25, 2024.

1. Counsel was out of the country when the opinion in this case issued, and returned on March 9, 2024.

2. The petition presents complicated issues regarding both the Second Amendment and the categorical approach to drug predicates under the United States Sentencing Guidelines. These are rapidly evolving areas of the law with new cases across circuits that require additional research.

3. At the same time, counsel has another petition for rehearing due on March 29, 2024. Counsel also is working on multiple time-sensitive motions for reduction in sentence under 18 U.S.C. § 3582(c)(2) and Amendment 821 to the United States Sentencing Guidelines.

4. The government, through Assistant United States Attorney Gabriel A. Mendel, has authorized counsel to report that it does not oppose this motion.

5. Mr. Dubois is incarcerated serving the 111-month sentence imposed by the district court. Neither he nor the government will be prejudiced by the grant of an extension of time to file the petition for rehearing en banc.

CONCLUSION

WHEREFORE, for the foregoing reasons, Mr. Dubois asks the Court to grant the 30-day extension of time to file his petition for rehearing en banc.

NICOLE M. KAPLAN
Counsel for Andre Michael Dubois

CERTIFICATE OF COMPLIANCE AND SERVICE

This is to certify that the foregoing motion is in compliance with Federal Rule of Appellate Procedure 32(a)(5), (6) because it has been prepared in Book Antiqua 14 point, a proportionally-spaced typeface, using the Microsoft Word 2016 word processing software. Moreover, this motion also complies with the type-volume limitation set forth in Federal Rule of Appellate Procedure 27(d)(2) because it includes no more than 252 words, according to the same software. Finally, on the date set forth below, counsel uploaded this motion to the Court's web site, which promptly served opposing counsel:

GABRIEL A. MENDEL
LAWRENCE R. SOMMERFELD
Assistant United States Attorneys
United States Attorney's Office
United States Courthouse
75 Ted Turner Drive, SW
Atlanta, Georgia 30303

March 21, 2024.

NICOLE M. KAPLAN
Federal Defender Program, Inc.
101 Marietta St., NW, Suite 1500
Atlanta, GA 30303
(404) 688-7530
Nicole_Kaplan@FD.org

Counsel for Andre Michael Dubois